IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 17949 of 2007(J)

PETITIONER:

E.A.ANTONY,
SPECIAL GRADE SECRETARY, VAZHATHOPPE GRAMA PANCHAYAT, IDUKKI DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PANCHAYATS,
THIRUVANANTHAPURAM.

3. V.N.SUBHASH,
SPECIAL GRADE SECRETARY,
KARUNAPURAM GRAMA PANCHAYAT, IDUKKI DISTRICT.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.17949 OF 2007-J

Judgment

The petitioner, while working as Special Grade Secretary of Vazhathope grama panchayat, has been transferred to Karunapuram grama panchayat by Ext.P2 order. Against the said order, he has preferred Ext.P3 representation, praying that he may be retained in the present panchayat or may be given a posting to Vellathuval, Konnathadi, Adimali or Munnar, which are nearby grama panchayats. Thereafter, this Writ Petition is filed, challenging Ext.P2 and also seeking other appropriate reliefs. The petitioner has been transferred on the ground that he knows Tamil language and the Panchayat to which he is posted is inhabited by substantial number of Tamil speaking persons.

2. The learned Government Pleader, upon instruction, submitted that Ext.P3 is received and pending and it is being considered by the Government. This Court can interfere with a transfer, if only the same is illegal or vitiated by mala fides. No such ground has been made out in the Writ Petition. Accordingly, the challenge against Ext.P2 fails. But, the first respondent is directed to consider and pass orders on Ext.P3 in accordance with law within one month from the date of receipt of a copy of this Judgment.

19.06.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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